

CHAPTER 85

AN ACT

SB 1533

Relating to wildfire; amending ORS 215.495, 431A.410, 431A.412 and 476.694 and sections 11 and 14b, chapter 592, Oregon Laws 2021; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 431A.410 is amended to read: 431A.410. (1) As used in this section[.]:

(a) **“Public education provider” has the meaning given that term in ORS 326.545.**

(b) **“Smoke filtration system” means an air filtration system capable of removing particulates and other harmful components of wildfire smoke in a public building.**

(2) In consultation and coordination with the Oregon Health Authority, the Department of Human Services shall establish and implement a grant program that allows local governments, **public education providers and federally recognized Indian tribes in Oregon** to:

(a) Establish emergency [*clean air shelters*] **cleaner air spaces.**

(b) Equip public buildings with smoke filtration systems so the public buildings may serve as cleaner air spaces during wildfire smoke and other poor air quality events.

(3) The department shall require grantees to provide access to the [*clean air shelters*] **cleaner air spaces** at no charge.

SECTION 1a. ORS 431A.412 is amended to read: 431A.412. (1) **As used in this section, “public education provider” has the meaning given that term in ORS 326.545.**

(2) The Department of Human Services is the lead state agency for [*clean air shelter*] **cleaner air space** operations. The department shall:

[(1)] (a) Consult and collaborate with the Oregon Health Authority to align practices for voluntary evacuations and emergency sheltering operations.

[(2)] (b) Coordinate with the authority in setting priorities for awarding grants described in ORS 431A.410.

[(3)] (c) Provide support to **the local agencies, public education providers and federally recognized Indian tribes in Oregon** that take lead roles in operating and planning [*clean air shelters*] **cleaner air spaces** [*in the local agencies’ jurisdictions*].

SECTION 2. Section 14b, chapter 592, Oregon Laws 2021, is amended to read:

Sec. 14b. No later than June 30, 2023, in consultation with the Oregon Health Authority, the Department of Human Services shall report to an appropriate committee or interim committee of the Legislative Assembly, in the manner described in ORS 192.245, to the State Wildfire Programs Direc-

tor and to the Wildfire Programs Advisory Council on:

(1) The grants administered pursuant to **ORS 431A.410** [*section 14 of this 2021 Act*], including information about which local governments, **public education providers and federally recognized Indian tribes in Oregon** received grants.

(2) Any barriers to administering the grants.

(3) Areas for improving the grant program described in **ORS 431A.410** [*section 14 of this 2021 Act*].

(4) Public health impacts from wildfire smoke events.

SECTION 3. ORS 476.694 is amended to read:

476.694. (1) The Oregon Conservation Corps Program is established for the purposes of:

(a) Reducing the risk wildfire poses to communities and critical infrastructure.

(b) Helping to create fire-adapted communities.

(c) Engaging youth and young adults in workforce training.

(2) Youth and young adults between [13] **16** years of age and 26 years of age who have been qualified by a youth development organization may participate in projects undertaken by the corps.

(3) Notwithstanding any contrary provision of law, participants in projects undertaken by the corps:

(a) Are not employees of the corps.

(b) Are exempt from prevailing wage laws.

(c) Must receive compensation for their participation of at least minimum wage or an allowance or stipend that, when combined with other sources of payment the participant is eligible to receive, including academic credit or an AmeriCorps education award, is equivalent to the value of minimum wage.

SECTION 4. Section 11, chapter 592, Oregon Laws 2021, is amended to read:

Sec. 11. (1) As used in this section, “defensible space” has the meaning given that term in **ORS 476.390** [*section 8 of this 2021 Act*].

(2) The Department of Land Conservation and Development shall identify [*updates*] **recommended changes** to the statewide land use planning program and local comprehensive plans and zoning codes that are needed in order to incorporate wildfire risk maps and minimize wildfire risk, including the appropriate levels of state and local resources necessary for effective implementation.

(3) [*Updates*] **Recommended changes** may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation and development considerations in areas of extreme and high wildfire risk, allowing for regional differences.

(4) On or before October 1, 2022, the department [*of Land Conservation and Development*] shall[:]

[(a)] *Complete the updates.*

[(b)] report to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State

Wildfire Programs Director and to the Wildfire Programs Advisory Council on the *[updates]* **changes recommended by the department.** *[The report must include recommendations concerning the updates.]*

(5) As necessary to identify *[needed updates and develop the recommendations required by subsection (4)(b) of this section]* **recommended changes**, the department may consult with the State Fire Marshal, the State Forestry Department, the Department of Consumer and Business Services and local governments.

SECTION 5. ORS 215.495 is amended to read:

215.495. (1) As used in this section:

(a) "Accessory dwelling unit" has the meaning given that term in ORS 215.501.

(b) "Area zoned for rural residential use" has the meaning given that term in ORS 215.501.

(c) "Single-family dwelling" has the meaning given that term in ORS 215.501.

(2) Consistent with a county's comprehensive plan, a county may allow an owner of a lot or parcel within an area zoned for rural residential use to construct one accessory dwelling unit on the lot or parcel, provided:

(a) The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137;

(b) The lot or parcel is at least two acres in size;

(c) One single-family dwelling is sited on the lot or parcel;

(d) The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

(e) The accessory dwelling unit will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment;

(f) The accessory dwelling unit will not include more than 900 square feet of useable floor area;

(g) The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling;

(h) If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission;

(i) No portion of the lot or parcel is within a designated area of critical state concern;

(j) The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410;

(k) **If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface**, the lot or parcel and accessory dwelling unit comply with *[rules of the State Board of Forestry under ORS 477.015, 477.025 and 477.027]*

any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392;

(L) Statewide wildfire risk maps have been approved and the accessory dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area; and

(m) The county has adopted land use regulations that ensure that:

(A) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource use;

(B) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas; and

(C) If the accessory dwelling unit is not *[subject to ORS 477.015, 477.025 and 477.027]* **in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface**, the accessory dwelling unit *[has defensible space and fuel break standards as developed in consultation with local fire protection service providers]* **complies with the provisions of this section and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.**

(3) A county may not allow an accessory dwelling unit allowed under this section to be used for vacation occupancy, as defined in ORS 90.100.

(4) A county that allows construction of an accessory dwelling unit under this section may not approve:

(a) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.

(b) Construction of an additional accessory dwelling unit on the same lot or parcel.

(5) A county may require that an accessory dwelling unit constructed under this section be served by the same water supply source or water supply system as the existing single-family dwelling, provided such use is allowed for the accessory dwelling unit by an existing water right or a use under ORS 537.545. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

(6) An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545 (1).

(7) Nothing in this section requires a county to allow any accessory dwelling units in areas zoned for rural residential use or prohibits a county from imposing any additional restrictions on accessory dwelling units in areas zoned for rural residential use, including restrictions on the construction of

garages and outbuildings that support an accessory dwelling unit.

SECTION 6. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular

session of the Eighty-first Legislative Assembly adjourns sine die.

Approved by the Governor March 23, 2022

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